

**From:** Marni Goldberg [REDACTED]  
**Subject:** Bloomberg - Epic Asks Judge to Hold Apple in Contempt for Breaking Order  
**Received(Date):** Wed, 13 Mar 2024 15:41:59 -0400  
**Cc:** Hannah Smith [REDACTED]  
**To:** Fred Sainz [REDACTED]  
**Date:** Wed, 13 Mar 2024 15:41:59 -0400

---

To: Tim, Kate, Luca, Phil, Eddy, Greg, Lisa, Craig

CC: Kristin, Fred, Hannah, Heather, Jen Brown, Kyle, Sean D, Sean C, Nick A

Privileged and Confidential

There is limited coverage of Epic's court filing today accusing Apple of failing to comply with the anti-steering injunction stemming from Epic v. Apple in the U.S., with Reuters, Bloomberg, MLex and the Apple blogs publishing brief and straightforward pieces. Outlets highlight Epic's request for YGR to hold Apple in contempt and end its "sham" compliance.

Our perspective is included in coverage, with Bloomberg writing that Apple "said it has been in full compliance with the injunction since January" and quoting from our Jan. 16 filing that "regulating the external links is necessary to 'protect user privacy and security, maintain the integrity of Apple's ecosystem, promote the flow of information, avoid user confusion, and enable efficient review of developers' apps by App Review.'" Reuters similarly notes that Apple said the injunction would protect consumers and 'the integrity of Apple's ecosystem,' while ensuring that developers do not get a free ride on its platform."

For its part, Epic argues in its filing that Apple has imposed new rules and fees to make the links "commercially unusable," and continues to prohibit any steering using "buttons" or "other calls to action." Its filing states: "Apple's goal is clear: to prevent purchasing alternatives from constraining the supracompetitive fees it collects on purchases of digital goods and services. Apple's so-called compliance is a sham."

Reuters and Bloomberg note that the Supreme Court decided not to hear Epic's appeal of lower court findings that Apple's policies did not violate federal antitrust law. Reuters and the blogs mention that last week, Apple "briefly escalated the feud" by blocking Epic from launching its own online marketplace in Europe, before backing down.

Bloomberg - [Epic Asks Judge to Hold Apple in Contempt for Breaking Order](#)

Reuters - [Epic Games accuses Apple of violating App Store injunction, seeks contempt order](#)

MLex - [Epic says Apple not complying with injunction against anti-steering rules](#)

U.S. District Court - NDCAL  
4:20-cv-05640-YGR-TSH  
Epic Games, Inc. v Apple Inc.  
Ex. No. **CX-1505**  
Date Entered \_\_\_\_\_  
By \_\_\_\_\_

AppleInsider - [Epic wants Apple held in contempt of court for not following through on removing anti-steering measures](#)

9to5Mac - [Epic Games asks court to hold Apple in contempt over weak App Store anti-steering changes](#)

MacDailyNews - [Epic Games accuses Apple of violating App Store injunction, seeks contempt order in U.S.](#)

Apple World Today - [Epic Games Wants Federal Judge to Hold Apple in Contempt of Court](#)

PYMNTS - [Epic Games Accuses Apple of Contempt in App Store Battle](#)

Seeking Alpha - [Epic Games asks federal judge to hold Apple in contempt of court: report](#)

Full text:

Bloomberg - [Epic Asks Judge to Hold Apple in Contempt for Breaking Order](#)

Epic Games Inc. asked a federal judge to hold Apple Inc. in contempt of court over its failure to properly comply with a court order to open its App Store to outside payment options.

Apple agreed this year to let all third-party apps sold in the US include an outside link to a developer website to process payments for in-app purchases. That followed the US Supreme Court's refusal in January to wade into a three-year feud between the maker of the popular Fortnite game and the technology giant.

Apple followed through with that, but Epic said in a court filing Wednesday that the technology giant made the links "commercially unusable" by imposing various fees and rules. Epic said in a court filing Wednesday that Apple should be ordered to fully comply.

"Apple's new scheme so pervasively taxes, regulates, restricts and burdens in-app links directing users to alternative purchasing mechanisms on a developer's website," Epic's lawyers wrote in the filing. It makes them "entirely useless," they said.

Epic also argued that Apple is barring developers from using external links that resemble a button and is stopping them making written statements about purchasing items on the web instead of Apple's App Store. In addition, Epic claims that Apple's guidelines still include language preventing apps that operate across multiple platforms from encouraging users to use other purchasing options.

“Apple’s goal is clear: to prevent purchasing alternatives from constraining the supracompetitive fees it collects on purchases of digital goods and services,” according to the filing.

Apple said it has been in full compliance with the injunction since January. Apple said regulating the external links is necessary to “protect user privacy and security, maintain the integrity of Apple’s ecosystem, promote the flow of information, avoid user confusion, and enable efficient review of developers’ apps by App Review.”

The high court decision left in place a 2023 appeals court ruling that found Apple’s business model didn’t violate federal antitrust laws, but did flout California’s Unfair Competition Law by limiting the ability of developers to communicate about alternate payment systems that may cost less.

Apple has been making changes to the way the App Store operates to address developer concerns since Epic sued the company in 2020. The dispute began after Apple expelled the Fortnite game from the App Store because Epic created a workaround to paying a 30% fee on customers’ in-app purchases.

The case is Epic Games Inc. v. Apple Inc., 20-cv-05640, US District Court, Northern District of California (Oakland).

\*\*\*

MLex - [Epic says Apple not complying with injunction against anti-steering rules](#)

MLex Summary: Epic Games asked a federal judge to enforce its injunction against Apple’s anti-steering rules, which it says the company has flouted by imposing a new fee and enacting a slew of new rules that work together to make external links commercially unusable. Epic also said Apple continues to categorically prohibit any steering using “buttons” or “other calls to action” and still prohibits certain apps from encouraging users to use a purchasing method other than in-app purchase.